

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TROY MICHAEL KRATZ,

Plaintiff,

v.

ORDER

DOCTOR BURTON COX,
and DOCTOR AMJAD SAFVI,

10-cv-630-wmc

Defendants.

In an order entered on February 8, 2011, the court directed the United States Marshals to serve the summons and complaint in this case on defendant Dr. Amjad Safvi. Now, the United States Marshal's office has filed a "Process Receipt and Return" form showing that it has been unable to accomplish service. In his complaint, plaintiff indicates that Dr. Amjad Safvi works for Accurate Imaging in Oshkosh, Wisconsin. According to the notation on the Marshal's service form, the Deputy Marshal first attempted to locate defendant Safvi by calling Accurate Imaging, Inc., but was informed that Safvi did not work as an employee for that company but was instead an independent contractor. Next, the clerk's office attempted to locate Safvi through an internet search, which resulted in a possible business address for Safvi in Evergreen Park, Illinois. The Deputy Marshal's attempt to serve defendant Safvi at the Evergreen Park address also was unsuccessful, since he apparently no longer uses that address. The Department of Justice has no other forwarding address on file for defendant Safvi.

The court concludes that the United States Marshal has made a reasonable effort to locate defendant Safvi and has been unsuccessful. Sellers v. United States, 902 F.2d 598, 602 (7th Cir. 1990) (once defendant is identified, marshal must make reasonable efforts to obtain a current address).

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Judge William M. Conley

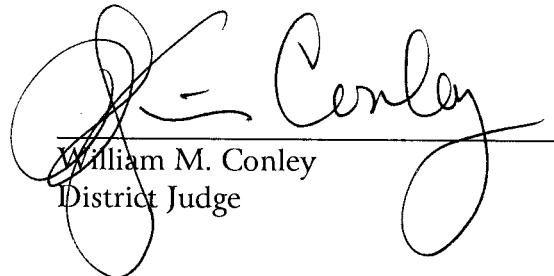
A plaintiff cannot maintain a lawsuit against a defendant who has not received notice of the claim against him and is therefore unable to defend against allegations of wrongdoing. Accordingly, plaintiff shall be given sixty (60) days to accomplish personal service on Safvi at his own expense by private process server or by other means authorized by the Federal Rules of Civil Procedure. Otherwise, the action will be dismissed as to defendant Safvi.

ORDER

IT IS ORDERED that plaintiff Troy Michael Kratz may have sixty (60) days to accomplish service upon defendant Dr. Amjad Safvi or the action will be dismissed as to this defendant.

Entered this 7th day of June, 2011.

BY THE COURT:



William M. Conley
District Judge